

United States District Court  
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

GUSTAVO VILLA-MALDANADO

## CRIMINAL COMPLAINT

Case Number:

10m; 345 AJB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about August 20, 2010, in Ramsey County, in the State and District of Minnesota, defendant(s) re-enter and was found in the United States without having obtained the consent of the Attorney General of the United States, or his successor, the Secretary of Homeland Security.

in violation of Title 6, United States Code, Section(s) 202, 557 and Title 8 United States Code, Section(s) 1326(a), and 1326(b)(2).

I further state that I am a(n) Immigration Inspector and that this complaint is based on the following facts:  
SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

The Honorable Arthur J. Boylan  
UNITED STATES MAGISTRATE JUDGE

Name &amp; Title of Judicial Officer

Signature of Complainant

John W. Mock  
BICE

St. Paul, MN

City and State

Signature of Judicial Officer

SCANNED

AUG 27 2010

DISTRICT COURT ST. PAUL

STATE OF MINNESOTA     )  
  ) ss. **AFFIDAVIT OF John W. Mock**  
COUNTY OF RAMSEY     )

I, John W. Mock, being first duly sworn under oath, depose and state as follows:

1. I am employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS). I have been so employed since June 21, 1998 when I began my career as an Immigration Inspector with the US Immigration and Naturalization Service. On August 17, 2008, I was promoted to Deportation Officer.

2. As a Deportation Officer, my duties and responsibilities include overseeing the cases of aliens in removal proceedings. I am also responsible for reviewing alien files in connection with the apprehension, detention, and release of aliens in ICE custody.

3. This affidavit is based on my training, experience, personal knowledge, and my review of official reports and documents related to this investigation.

4. This affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant for Gustavo VILLA-Maldonado (aka: Gustavo Angel GARZA), charging him with being an alien who had previously been deported from the United States who was found in the United States, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2). This affidavit is submitted for the limited purpose of establishing probable cause in support of the attached complaint and therefore contains only a summary of the relevant facts.

5. ICE maintains an alien file on VILLA-Maldonado, which is file A074804066 (hereinafter "A file"). I have reviewed that file. VILLA-Maldonado is a citizen and national of Mexico who makes no claim to United States citizenship or lawful permanent residence status in the United States.

6. On or about August 1, 1998, VILLA-Maldonado self deported himself from the United States to Mexico after previously being ordered removed by an Immigration Judge.

7. VILLA-Maldonado was convicted and sentenced on May 13, 2003, in the Hennepin County District Court in Minneapolis, Minnesota, of Controlled Substance Crime-1st Degree-Sale, Methamphetamine, in violation of Minnesota Statute 152.021 Subdivision 1(1) and was sentenced to 86 months in prison.

8. On February 4, 2004, subsequent to his conviction for Controlled Substance Crime-1st Degree-Sale in Hennepin County, Minnesota, VILLA-Maldonado was removed from the United States to Mexico.

9. VILLA-Maldonado was convicted and sentenced on September 10, 2004, in the United States District Court, District of Arizona, of Illegal Re-Entry after Deportation in violation of Title 8 United States Code, Section 1326(a) with a sentencing enhancement pursuant to Title 8 United States Code, Section 1326(b)(2) and was sentenced to 30 months in prison.

10. On June 6, 2006, subsequent to his conviction for Illegal Re-Entry after Deportation, VILLA-Maldonado was removed from the United States to Mexico.

11. On July 13, 2010, I received a referral from ICE-Homeland Security Investigations stating that VILLA-Maldonado had applied for a Minnesota Drivers License using the name Gustavo Angel GARZA. This referral was predicated on a facsimile received from the Minnesota Department of Public Safety, Driver and Vehicle Services Division stating that VILLA-Maldonado admitted to utilizing 2 Minnesota Drivers Licenses, numbered V400291579232 and E335001052211. I compared the photographs on both driver license records, and the photographs contained in the A file. All 3 photographs appear to be of the same person.

12. On August 9, 2010, at approximately 10:45 am, I conducted surveillance of VILLA-Maldonado's reported address, 124 Morris Street Northwest, New Brighton, MN, 55112. I observed, parked in the driveway of the mobile home, a blue Nissan Xterra, MN license plate 593ALP, which is registered to Gustavo Angel GARZA at 124 Morris Street Northwest, New Brighton, MN 55112.

13. On August 10, 2010, from approximately 06:20 am until 08:30 am, I conducted surveillance of 124 Morris Street Northwest, New Brighton, MN 55112. I observed, parked in the driveway of the mobile home, a white Chevrolet pick-up truck, MN license plate RAK827, which is registered to Gustavo Angel GARZA at 124 Morris Street Northwest, New Brighton, MN 55112.

14. On August 10, 2010 at approximately 08:20 am, I observed a Hispanic male, matching the description and available photographs of VILLA-Maldonado, leave the residence at 124 Morris Street Northwest, New Brighton, MN 55112 and enter a Nissan passenger car, MN license plate 644BXE., while it was parked on Morris Street Northwest directly in front of the residence. The vehicle is registered to Graciela CRUZ-Martinez at 124 Morris Street Northwest, New Brighton, MN 55112.

15. On August 20, 2010 I encountered, while conducting surveillance of his residence, VILLA-Maldonado while he was loading luggage into his blue Nissan Xterra, MN plate 593ALP.

16. On August 20, 2010 I placed VILLA-Maldonado under arrest for a violation of the Immigration and Nationality Act (INA).

17. Review of VILLA-Maldonado's A file and computer records reveals that subsequent to his removal from the United States on June 6, 2006, VILLA-Maldonado has not applied for, nor received, permission to enter the United States from the Attorney General of the United States, or his successor, the Secretary of Homeland Security.

18. Based on these facts, I believe that Gustavo VILLA-Maldonado has violated Title 8, United States Code, Sections 1326(a) and 1326(b)(2).

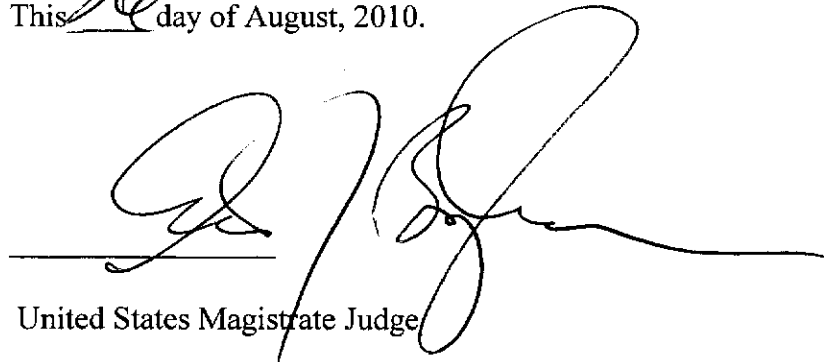
Further Your Affiant Sayeth Not.



John W. Mock, Deportation Officer  
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me

This 26 day of August, 2010.



United States Magistrate Judge